

Complaint
UNITED STATES DISTRICT COURT
EASTERN DISTRICT COURT OF WISCONSIN

Damien Shontell Hewlett

v.

Case No.

Ann York, Jean Pierre, Charles Dombeck,
Ashley Haseley, Robert Weinman,

(A) PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at Waupun Correctional Institution, 200 S. Madison St., P.O. Box 351, Waupun, WI, 53963.
2. Defendants Ann York, Cheryl Jeanpierre, Charles Dombeck, Ashley Haseley, Robert Weinman, is citizen of Wisconsin and I'm not aware as to what each defendant's address is, but I know that these defendants were working for the Wisconsin department of Corrections in Waupun Correctional Institution at the address of 200 S. Madison St., P.O. Box 351, Waupun, Wisconsin, 53963.

(B) STATEMENT OF CLAIM

I will now be elaborating to the court's verbatim from the informational chain of events that occurred, that lead to the deliberate Indifference to my serious medical condition of Spondylosis, as well as the Facet Joint disease that I suffer from. This claim falls under the

violation of my Eighth amendment constitutional Right of which is guaranteed to, me through the clear and evident disregard to my medical needs. It will be evident that I was left in "great" pain from an incurable spinal condition. And for utilizing known ineffective treatments and not using sound medical judgement what so ever, and the neglect is stemming from there being no onside care providers at Waupun Prison's Health Service's Unit at this time. And medical staff having to come from Dodge Correctional Institution to Waupun Correctional Institution, and having to split work loads of patient to medical professionals between two separate Prisons in one week. On the date of 4/24/22 I had wrote a Doc-3035 Health Service Request saying verbatim "I wrote an HSR on 4-15-22 about sleep disturbances i'm enduring from pain stemming from Spondylosis. I do need to see my primary care provider Ulike today on an emergency pass. This pain has brought me to tear's more than once". On the date of 5-31-22 I placed a Doc-3035 Health Service Request saying "this is roughly the third time I wrote about coming in to see my primary care provider about the Spondylosis spinal Condition which has caused me great periods of pain and sleep depravation. PLEASE SEE ME!" I need to see my primary care provider immediately and get it signed and get me assigned immediately to

see the provider in the worst of ways with really bad pain and I do know and need to get in soon as possible. Please. And on the date 6-11-22 I placed a DOC-3035 stating verbatim "This is unacceptable medical treatment. I have written numerous times in past few months to see my primary care provider about sleep deprivation due to chronic pain from [REDACTED] spondylosis and have NOT been seen yet. Please see me." Then on the date of 7-1-22 I had placed another DOC-3035 saying verbatim "I have been waiting in excruciating pain due to my spinal condition of Spondylosis for months now to see my primary care provider. This pain is causing me to have sleep deprivation and I'm now becoming more irritable with everyone and having bad random outbursts of anger. I need to be seen immediately please. It's truly getting to all be just too much on me." And on the date of 7/20/22 a DOC-3035 Health Service Request was placed, and said, "Had an appointment last week with my provider Jean-Pierre who I been waiting to see for my chronic back pain that's been causing me to have sleep deprivation and get meds renewed for pain, but appointment was to be [REDACTED] rescheduled. I'm in great pain and need to be seen on an emergency pass please. This pain is getting to be too much to handle." And based on those six DOC-3035 Health

Service Requests show obvious evidence that the provider Cheryl Jeanpierre had knew of the type of things such as the Sleep deprivation, Chronic pain that was so bad at times that I was in tears. Because she was my primary care provider. So on the date of 8/15/22 when I had placed another Doc-3035 Health Service Request saying verbatim "Would like to know how I go about speaking to my offground's Specialist Doctor John K. Choi who does my steroid injections? And when will I be going for another appointment for i'm in alot a pain in my spine again." And on the the date of 8/17/22 Cheryl Jeanpierre responds saying "ordered". So, i'm now waiting in chronic pain and still had not gone out for this "So called" Steroid's appointment with Dr. Choi, and on 10/7/22 I placed a Doc-3035 Health Service Request saying verbatim "My previous provider Jean-Pierre put me in for a steroid injection appointment and physical therapy month's ago for spinal condition of [REDACTED] spondylosis. Yet I still have not been seen. I'm in great pain and need to be treated. On the date of 10/11/22 a provider, who comes over from Dodge Correctional Institution, named APNP- Charles Dombeck does respond stating "Injection was not scheduled. You

have PT and follow up ordered." On the date of 10/9/22 I wrote a Doc-3035 Health Service Request Saying "I have written numerous times that the pain med's ya'll been giving me for my spondylosis does not help to stop my pain at all. Ya'll marked me down for physical therapy again which was ineffective treatment before. I need to be placed on pain med's that helps inflammation in joints and covers pain too." On 10/11/22 Charles Dombeck responds "You have follow up and PT ordered." And that shows that he was deliberately indifferent to my serious medical needs and the pain that I endure because if I tell him that the physical therapy was an ineffective treatment before, and Charles Dombeck is constantly pushing a treatment and medication that I'm telling him do "nothing" for my pain that's chronic in nature, than he is in direct violation of my Eighth Amendment because he is leaving me in pain for a now prolonged period. After Cheryl Jeanpierre has already lied about ordering the steroid injection's appointment which has me in already preexisting state of great pain. Due to the inconsistencies about whether Jeanpierre had ordered the steroid injection appointment back on 8/17/22 I wrote a Doc-3035 Health Service Request Saying verbatim "Need HSA-Manager Weinman to

step up now and manage! Due to my spondylosis I am in great pain! I need to get on med's that work. And on date 8-17-22 Jeanpierre told me steroid injection was ordered! But now on 10-11-22 Dornbeck says it was not scheduled. And so HSU needs to figure it out for I'm in too much pain. The assistant Health Service Unit Manager Ashley Haseley responds "you did go to pain clinic in Nov. 2021. I am unsure of the response you were given on 8/17/22 and what the intentions were but there was not orders placed at that time. I will refer you to your provider for assessment. On the date of 10/24/22 That DOC-3035 that I placed said "This spondylosis is getting worse and I'm now having pain in my neck and shooting pain down my legs too. I'm requesting an MRI, and be seen by an offgrounds specialist rheumatologist and orthopedic specialist. On the date of 10/24/22 wrote DOC-3035 that had said verbatim "So as of right now there are no doctors onsite at W.C.I., and doctors are coming over from D.C.I. to help pick up the workload when they can? And on the date 10/25/22 H.S.U.'s health care unit RN- Ann York replies "Provider's from D.C.I. are here through out the week." On the date of 10/25/22 wrote a DOC-643 that said verbatim, "Mr. Weinman, this is a release of protected information form from the SSM-Health facilities, that H.S.U here [REDACTED] has over the year's contracted to

Care for ~~my~~ particular medical needs of mine. This information is to be released to Waupun Correctional Institution Health service unit for continuing care so that the H.S.U staff here can adequately treat my medical issues I am suffering from. It is clearly not for my personal use! So I'm asking you as the H.S.U manager to step up, correct your staff's error, put H.S.U fax number on this form, and get faxed out, so that H.S.U here will have these records to be able to ensure they can then adequately treat me. Thank You."

On the date 10/25/22 Ann York responds "Forwarded to HSum". On the date 10/28/22 saying Spondylosis, and or, lumber and thoracic facet disease considered a severe degenerative joint disease? Please get back to me with the answer to this." on the date of 11/1/22 Charles Dombeck responds "Not Necessarily". Clearly that response did not suffice as to any form of answering the medical condition question of mine, and So on 11-1-22 wrote another DOC-3035 that said verbatim "On 11/1/22 APMP Charles Dombeck says "Not Necessarily" to the question of is spondylosis and facet joint disease considered a severe disabling degenerative joint disease? Dombeck's answer does not answer my medical question. Can I get a nonnegligent answer please. And on the date 11/2/22 Charles Dombeck responds verbatim "See previous response." This guy is suppose

to be my care provider and don't even address my medical needs in the simplest of a thing as of answering my medical question as a professional care provider! On the date of 11/4/22 wrote a Doc-3035 saying "Who is in charge of the operations of scheduling onsite and offsite appointments here at Waupun Correctional Institution's HSU Building? Please do get back to me so I can write them." On the date "unknown" Ann York responds "Haley Bassuener LPN off sites," "Maryina Hilbrans MPA does onsite scheduling." On the date of 11/11/22 wrote a Doc-3035 saying "I'm being told that providers are here through out the week, APNP Dombek's been in numerous times, I been scheduled to see Acp for all the pain i'm in from spondylosis and facet joint disease and get meds that address pain and helps reduce inflammation in my spine as well. Are ya'll at H.S.U in confusion about how to file inmates for appointments or is not having any onsite primary care providers here at W.C.I causing this delay in me being seen? I don't know, but i'm in alot of pain and need to be seen. I'm tired of being medically neglected by ya'll." On the date of 11/15/22 Ann York responds "You are on provider waiting list for your pain concerns." And on the date 11/14/22 saying "Haley Bassuener, It's my understanding you handle the scheduling of offsite appointments. I'd like to know if my previous provider had scheduled a

steroid injections appointment with Dr. Choi for me on date August 17, 2022? And on the date 11/14/22 I had also wrote a separate DOC-3035 saying "MPAA - Hilbrans, It's my understanding that you handle the onsite appointment scheduling. And so what's the delay in the routine of getting me into see the ACP for my serious med-condition of spondylosis and facet joint disease, that has been causing me great pain that has had me tearing up and some nights I'm sleep deprived due to the pain, because I been now waiting to be seen by the ACP- Charles Dombek since 10/11/22. That was 34 days ago now. I'm in pain and the lack [redacted] in medical treatment is truly such an unacceptable action, for I'm in so much pain and no prescribed meds work. On the date of 11/16/22 "unknown-person" responds "you have a TENS unit ordered. are being seen by PT, and have a referral to see your provider." On the date of 11/25/22 I wrote a DOC-643 Interview request form to the Health Services Unit saying verbatim "I'm requesting a medical televisit be conducted with specialist Doctor John K. Choi who is contracted to conduct the steroid injections. I need to speak to my specialist Dr. Choi. Please [redacted] set up as soon as possible, and thank you." On 11/27/22

it was stated on that DOC-643 form "Refer to ACP-JH, RN 11-27-22, and also said ACP apt 11/29/22. And an appointment was "so called" scheduled for me to see the ACP-APNP- Charles Dombeck, and I was never seen by him due to my provider Charles Dombeck making the "choice" to cancel the appointment that was scheduled for the date of .

I was still enduring this chronic pain from Spondylosis and facet joint disease, and I still needed to be seen by medical professionals, and so on date of 12/20/2022 wrote another Doc-3035 Health service request to inquire on these issues of my appointment being "canceled" at the "conscious choice" of APNP-Charles Dombeck, while he knew I was enduring a great deal a chronic pain, and I said "verbatim" I was scheduled to be seen by my provider last week, but for some reason the appointment was canceled by HCU. I'm still having numbness in my fingers, Spondylosis causing a lot of pain, and want telemed-visit with Dr. Choi. And on 12/22/22 an unknown-APNP responds stating "Appt CX By Provider as patient's complaints were already addressed by provider on 9/27/22." And that statement was a lie and a

fabrication of my medical record, because I do have actual admissible evidence through DOC-3035 medical records, DOC-643 Interview request slips, and can at a time of a shared discovery phase, demonstrate to the court as to how the defendants in the matter promoted blatant deliberate indifference to my serious medical needs by knowing that I'm in a great deal of chronic pain, administering ineffective treatments that were known by defendants to not work for the plaintiff's medical condition of spondylosis, and ultimately breaking the law by promoting cruel and unusual punishment through knowingly and intelligently leaving me in a prolonged state of pain. I have also exhausted all my administrative remedies through the inmate complaint system before the filing of this complaint ensued. I'm a Pro-Se inmate and this complaint shall be held to less strict standards. I'll be suing defendants in official capacities for they worked for Wisconsin Department of Corrections at time of incident occurring. Given nature of case federal courts should handle this matter since my Eighth Amendment Constitutional Rights were violated here.

C. JURISDICTION

X - I'm Suing for a violation of Federal Law under
28 U.S.C. § 1331.

D. RELIEF WANTED

I'm seeking the following from each defendant "seperately" within their official capacities as they were employed by the Wisconsin Department of Corrections at the time of the events transpiring in this claim. Ann York, Charles Dornbeck, Cheryl Jean Pierre, Robert Weinman, Ashley Haselev, for damages of \$1,000,000.00 in physical damages, \$1,000,000.00 in emotional damages, \$1,000,000.00 in pain and suffering, and \$250,000.00 as well from each defendant on the seperate state claim for medical negligence because State rules, laws and policies were also violated by the defendants.

E. YES - I Do want a jury to hear my case.

Request To Proceed In District Court Without Prepaying The Full Filing Fee.

- I Do request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.